



## CALIFORNIA DEPARTMENT OF CORRECTIONS RESTITUTION COLLECTION PROCESS



In November 1992, the California Department of Corrections (CDC) implemented the Inmate Restitution Fine Collection System to collect restitution fines from all inmates with outstanding fines, in accordance with Penal Code Section 2085.5. The following steps explain the current fine collection process. Please note that CDC does not currently collect on restitution orders. Collection procedures for restitution orders are expected to be implemented in 1998.

### **1 Institution Reception Center:**

- ✓ New inmates are processed through the Institution's Reception Center.
- ✓ Sentencing documents are reviewed by a Correctional Counselor.
- ✓ If a restitution fine has been assessed, a Form 1497 is prepared, then routed to the Trust Office.

### **2 Trust Office:**

- ✓ The Form 1497 is reviewed and the inmate's trust account is established.
- ✓ Garnishment is currently set at 22% of all wage earnings and trust account deposits. (20% of the garnished wage and trust account deposits are slated as payment on the inmate's restitution fine. The other 2% covers administrative costs.)
- ✓ Balances within the inmate's trust account are not garnished, only deposits into the account.
- ✓ An accounting is kept of all garnishments, beginning and ending balances, and amounts due.
- ✓ Monthly, the Trust Office tabulates the restitution collected and sends a check and a financial accounting to CDC's Central Office.

### **3 Central Office:**

- ✓ Monthly, the Central Office totals the fine monies collected in all CDC facilities statewide, then sends one check and a full financial accounting to the Board of Control.

Following an inmates' release from prison and placement on parole, all restitution fine collections cease. The CDC Parole and Community Services Division is currently establishing a collection process. It should be noted that, if a parolee is returned to a correctional facility on a parole violation, the trust account/wage garnishment process currently is not re-established by the facility. Policy to implement collection from parole violators is being established and should be implemented by 1998.

Despite the present limitations on the restitution collection processes within the California Department of Corrections, CDC collected \$4.2 million in Fiscal Year 1995-96, and over \$3.9 million in the first eight months of Fiscal Year 1996-97. CDC reports that procedures for restitution order collections on inmates, fine collection following parole violation return to custody, and parole collection for both fines and orders are currently being investigated for future implementation.

